



**STATE OF CONNECTICUT
DEPARTMENT OF CORRECTION
24 Wolcott Hill Road
Wethersfield, Connecticut 06109**

**Leo C. Arnone
Commissioner**

**Telephone: 860-692-7482
Fax: 860-692-7483**

October 1, 2012

Ms. Sarah Kolb
Office of Policy and Management
Mr. Michael Mandell
Office of the Governor
State Capitol
Hartford, CT 06106

Dear Ms. Kolb and Mr. Mandell:

Attached are the Department of Correction's four prioritized proposals for review and consideration by the Office of the Governor and the Office of Policy and Management.

If you have questions or concerns, please contact Lena L. Ferguson at either (860) 692-7510 or lena.ferguson@po.state.ct.us.

Sincerely,

Leo C. Arnone/lhf
Commissioner

Attachments

cc: Lena L. Ferguson

Index

2013 Department of Correction Legislative Proposals

1. AA Concerning Peace Officers
2. AA Concerning the Administrator of the Interstate Compact for Adult Offender Supervision
3. AAC Residential Stays at Correctional Facilities
4. AAC Concerning Inmate Discharge Savings

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

10112_DOC (1)_ An Act Concerning Peace Officers

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

Department of Correction

Liaison: Lena L. Ferguson

Phone: (860) 692-7510

E-mail: lena.ferguson@p.state.ct.us

Lead agency division requesting this proposal:

Office of the Commissioner

Agency Analyst/Drafter of Proposal:

Lena L. Ferguson

Title of Proposal

An Act Concerning Peace Officers

Statutory Reference

53a-3

Proposal Summary

To enable DOC employees authorized by the Commissioner of Correction to make arrests outside of a correctional institution or facility.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/ state/ local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Currently the DOC Commissioner can authorize certain employees to make arrests in a correctional institution or facility. This is limiting as a number of our employees work in partnership with other local, state and federal criminal justice agencies outside of the correctional institution or facility setting and need arrest powers need arrest powers.

• Origin of Proposal XX New Proposal ____ Resubmission

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/ discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/ advocates/ legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal ___ YES ___NO ___Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ___ YES ___NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

May result in cost savings to municipalities.

State

May result in cost savings to the state, as state troopers would have not have to be called off the road to make an arrest.

Federal

May result in federal savings as well, as we work in partnership with FBI.

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Insert fully drafted bill here

Sec. 53a-3. Definitions. Except where different meanings are expressly specified, the following terms have the following meanings when used in this title:

(1) "Person" means a human being, and, where appropriate, a public or private corporation, a limited liability company, an unincorporated association, a partnership, a government or a governmental instrumentality;

(2) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property;

(3) "Physical injury" means impairment of physical condition or pain;

(4) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ;

(5) "Deadly physical force" means physical force which can be reasonably expected to cause death or serious physical injury;

(6) "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. The definition of "deadly weapon" in this subdivision shall be deemed not to apply to section 29-38 or 53-206;

(7) "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in this section and includes a dog that has been commanded to attack, except a dog owned by a law enforcement agency of the state or any political subdivision thereof or of the federal government when such dog is in the performance of its duties under the direct supervision, care and control of an assigned law enforcement officer;

(8) "Vehicle" means a "motor vehicle" as defined in section 14-1, a snowmobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail;

(9) "Peace officer" means a member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to make

arrests [in a correctional institution or facility], any investigator in the investigations unit of the office of the State Treasurer or any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code;

(10) "Firefighter" means any agent of a municipality whose duty it is to protect life and property therein as a member of a duly constituted fire department whether professional or volunteer;

(11) A person acts "intentionally" with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct;

(12) A person acts "knowingly" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists;

(13) A person acts "recklessly" with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation;

(14) A person acts with "criminal negligence" with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation;

(15) "Machine gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a submachine gun;

(16) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger;

(17) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;

(18) "Pistol" or "revolver" means any firearm having a barrel less than twelve inches;

(19) "Firearm" means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged;

(20) "Electronic defense weapon" means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device;

(21) "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star;

(22) "Employee of an emergency medical service organization" means an ambulance driver, emergency medical technician or paramedic as defined in section 19a-175;

(23) "Railroad property" means all tangible property owned, leased or operated by a railroad carrier including, but not limited to, a right-of-way, track, roadbed, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal or any other structure or appurtenance or equipment owned, leased or used in the operation of a railroad carrier including a train, locomotive, engine, railroad car, signals or safety device or work equipment or rolling stock.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

10112_DOC (2)_ ICAOS

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

Department of Correction

Liaison: Lena L. Ferguson

Phone: (860) 692-7510

E-mail: lena.ferguson@po.state.ct.us

Lead agency division requesting this proposal:

Office of the Commissioner

Agency Analyst/Drafter of Proposal:

Lena L. Ferguson

Title of Proposal

An Act Concerning the Administrator of the Interstate Compact for Adult Offender Supervision

Statutory Reference

18-81 and 54-133

Proposal Summary

To remove the statutory authority that the Commissioner of Correction serve as the administrator of the Interstate Compact for Adult Supervision (ICAOS) and allow for the appointment of Connecticut's compact administrator in accordance with section 54-133.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (5) *Have there been changes in federal/ state/ local laws and regulations that make this legislation necessary?*
- (6) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (7) *Have certain constituencies called for this action?*
- (8) *What would happen if this was not enacted in law this session?*

Section 54-133 requires that either the State Council or the Governor, in consultation with the legislature or the judiciary, appoint a state compact administrator. While the Commissioner of Correction has responsibility for the supervision of all parolees, which are part of the Compact population, the Judicial Branch has a far greater number of ICAOS cases than Parole. The Commissioner of Correction does not have the working knowledge of ICAOS rules and the day-to-day operations that the Deputy Compact Administrators and their staff do, yet is responsible for voting on rules that supersede federal law. Making the Compact Administrator subject to vote by the State Council would allow for the flexibility needed to adapt to changes as they are made by the legislature or by changes in the offender population.

• Origin of Proposal **New Proposal** XX **Resubmission**

If this is a resubmission, please share:

- (5) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (6) *Have there been negotiations/ discussions during or after the previous legislative session to improve this proposal?*
- (7) *Who were the major stakeholders/ advocates/ legislators involved in the previous work on this legislation?*
- (8) *What was the last action taken during the past legislative session?*

SB 366 was reported out of the Judiciary Committee and passed the Senate on the Consent Calendar. The bill was slated to go on a House Consent Calendar on the last night of the session, but time ran out.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal ___ YES ___NO ___Talks Ongoing

Summary of Affected Agency's Comments

The State Council, at its August 16, 2012 meeting, discussed the resubmission of the legislation in 2013. There was consensus among the Council members to support the proposal.

Will there need to be further negotiation? ___ YES ___NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None

State

There is no fiscal impact associated with eliminating the requirement that the Commissioner of Correction serve as the administrator of the Interstate Compact for Adult Offender Supervision. The Commissioner's only capacity in this role is to chair meetings.

Federal

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Insert fully drafted bill here

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 18-81 of the general statutes is repealed and the following is substituted in lieu thereof (*effective upon passage*):

The Commissioner of Correction shall administer, coordinate and control the operations of the department and shall be responsible for the overall supervision and direction of all institutions, facilities and activities of the department. The commissioner shall establish rules for the administrative practices and custodial and rehabilitative methods of said institutions and facilities in accordance with recognized correctional standards. The commissioner shall establish, develop and maintain noninstitutional, community-based service programs. The commissioner shall be responsible for the supervision of persons released on parole by the Board of Pardons and Paroles [and shall act as administrator of the Interstate Compact for Adult Offender Supervision]. The commissioner shall be responsible for establishing disciplinary, diagnostic, classification, treatment, vocational and academic education, research and statistics, training and development services and programs throughout the department. Subject to the provisions of chapter 67, the commissioner shall appoint such professional, technical and other personnel as may be necessary for the efficient operation of the department. The commissioner shall organize and operate interinstitutional programs for the development and training of institution and facility staffs. The commissioner shall provide for the services of such chaplains as are necessary to minister to the needs of the inmates of department institutions and facilities. The commissioner shall, within available appropriations for such purpose, arrange for provision of legal assistance of a civil nature to indigent inmates of department institutions and facilities and legal representation for such inmates before administrative boards where permitted or constitutionally required.

Sec. 2 (NEW) (*effective upon passage*) The compact administrator of the Interstate Compact for Adult Offender Supervision shall be appointed in accordance with section B of Article III of section 54-133 of the general statutes.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

10112_DOC(3) AAC Residential Stays at a Correctional Facility

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

Department of Correction

Liaison: Lena L. Ferguson

Phone: (860) 692-7510

E-mail: lena.ferguson@po.state.ct.us

Lead agency division requesting this proposal:

Office of the Commissioner

Agency Analyst/Drafter of Proposal:

Lena L. Ferguson

Title of Proposal

An Act Concerning Residential Stays at a Correctional Facility

Statutory Reference

Proposal Summary

To allow for an inmate, at his or her request, to stay at a correctional facility beyond the inmate's discharge date if a treatment program or healthcare institution to which an inmate is scheduled to be discharged to is not able to accept the inmate on the scheduled discharge date.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (9) Have there been changes in federal/ state/ local laws and regulations that make this legislation necessary?
- (10) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?
- (11) Have certain constituencies called for this action?
- (12) What would happen if this was not enacted in law this session?

There is current statutory language that allows an inmate to request to remain confined for up to 90 days beyond the inmate's end of sentence date for continued participation in a department program for drug dependency, in a work or education release program or in a program operated by a state agency other than the DOC. DOC would like to expand this authority to allow an inmate to request to remain in a correctional facility while awaiting entry into a treatment program, healthcare institution or for a compelling reason related to rehabilitation or treatment for up to 30 days beyond the inmate's discharge date. As an example, if it is determined that an inmate scheduled to be discharged is in need of a residential program for substance abuse, and instead is discharged into the community because a program bed is not available on the scheduled discharge date, the potential for recidivism is likely to be high.

• Origin of Proposal

___ New Proposal

XX Resubmission

If this is a resubmission, please share:

- (9) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (10) Have there been negotiations/ discussions during or after the previous legislative session to improve this proposal?*
- (11) Who were the major stakeholders/ advocates/ legislators involved in the previous work on this legislation?*
- (12) What was the last action taken during the past legislative session?*
HB 5428 died on the Senate Calendar, after having passed the House 145-0.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal ___ YES ___NO ___Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ___ YES ___NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None

State

None.

Federal

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Insert fully drafted bill here

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 18-101b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Any inmate of a correctional facility under the authority of the Department of Correction, involved in a departmental program for drug dependent inmates or in a departmental work or education release program, may request that he be allowed to remain in a correctional facility for up to ninety days beyond his parole release or discharge date.

(b) Any inmate of a correctional facility under the authority of the Department of Correction may request that he be allowed to remain in a correctional facility for up to thirty days beyond his discharge date (1) if such inmate is scheduled to be discharged to a treatment program or health care institution but the program or institution is unable to accept the inmate on the scheduled discharge date, or (2) for any compelling reason deemed consistent with offender rehabilitation or treatment.

[(b)] (c) Any person under the jurisdiction of the Department of Correction, involved in a program operated by a state department other than the Department of Correction, may request that he be allowed to remain in such program for up to ninety days beyond his parole release or discharge date.

[(c)] (d) Any inmate requesting permission to remain in a correctional facility, as provided in subsection (a) or (b) of this section, or any person requesting permission to remain in a program, as provided in subsection [(b)] (c) of this section, shall submit such request, in writing, to the Commissioner of Correction not later than one week prior to the scheduled date for the inmate's parole release or discharge.

[(d)] (e) Any inmate receiving permission to remain in a correctional facility or any person receiving permission to remain in a program operated by a state department other than the Department of Correction beyond his scheduled date for parole release or discharge may be charged a reasonable daily fee by the appropriate department while [said inmate is] housed in a facility of [said] such department.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

1012_DOC(4)_ AAC Inmate Discharge Savings

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

Department of Correction

Liaison: Lena L. Ferguson

Phone: (860) 692-7510

E-mail: lena.ferguson@po.state.ct.us

Lead agency division requesting this proposal:

Office of the Commissioner

Agency Analyst/Drafter of Proposal:

Lena L. Ferguson

Title of Proposal

An Act Concerning Inmate Discharge Savings

Statutory Reference

18-85, 18-85a, 18-90b and 18-101

Proposal Summary

Removes conflicting provisions and makes technical corrections to Public Act 07-158. Specifically, it clarifies that the Department does not maintain individual accounts for inmates in a savings bank, that inmate pay is not exempt from the cost of incarceration and discharge savings obligations, and that the discharge savings is not subject to other statutory disbursement priorities or claims.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

(13) *Have there been changes in federal/ state/ local laws and regulations that make this legislation necessary?*

(14) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*

(15) *Have certain constituencies called for this action?*

(16) *What would happen if this was not enacted in law this session?*

It would make changes and technical corrections that are needed to effectively implement the inmate discharge savings legislation passed in 2007, which requires the Department to set aside up to 10 percent of all money credited to an inmate's account to establish a savings fund that would be available to the inmate upon release to aid in reentry to the community. Once the legislation passed and the fiscal office staff responsible for inmate accounts began to work towards implementing its provisions, they recognized the need for some technical revisions and clarification. The Department's proposed changes generally keep the implementation of Discharge Savings consistent with the Cost of Incarceration provisions.

Among the revisions and clarifications being sought, the proposal would limit the requirement to accumulate discharge savings to sentenced inmates only and exempt inmates sentenced in this state but confined in another state and specify that inmates contribute to inmate discharge savings accounts after most other statutory disbursements are satisfied. Statutory disbursements include payment of taxes, child support and court. Additionally, the proposal would also clarify that the Department does not maintain individual bank accounts for each inmate. The Department deposits funds to a bank account or an account that the state treasurer administers and maintains individual internal accountings of each inmate's funds.

• Origin of Proposal

___ New Proposal

__XX__ Resubmission

If this is a resubmission, please share:

(13) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?

(14) Have there been negotiations/ discussions during or after the previous legislative session to improve this proposal?

(15) Who were the major stakeholders/ advocates/ legislators involved in the previous work on this legislation?

(16) What was the last action taken during the past legislative session?

The agency has sought the needed language changes since 2008. In the 2012 session, SB 398 had a public hearing but was not reported out of the Judiciary Committee. In previous years, a bill was reported out of committee but died on a calendar.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal ___ YES ___NO ___Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ___ YES ___NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None

State

None

Federal

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Insert fully drafted bill here

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 18-84a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Correction shall require each inmate sentenced to a term of incarceration by a court of this state to accumulate savings to be paid to the inmate on the inmate's [discharge] release from incarceration by establishing a discharge savings account on behalf of the inmate. Any inmate sentenced to a term of incarceration by a court of this state but confined in a facility outside this state shall be exempt from such requirement while confined in such facility.

(b) For the purpose of establishing such discharge savings account, the commissioner may impose a deduction of up to ten per cent on all deposits [made] credited to the inmate's individual account, provided the commissioner (1) [transfers] credits such deduction to the inmate's discharge savings account, and (2) ceases imposition [and transfer] of such deduction whenever the amount in the inmate's discharge savings account [is equal to] equals one thousand dollars.

(c) [If] Whenever the amount in the inmate's discharge savings account [is equal to] equals one thousand dollars, the commissioner shall impose a deduction of ten per cent on all deposits [made] credited to the inmate's individual account to the extent necessary to reimburse the state for the costs of the inmate's incarceration pursuant to section 18-85a, as amended by this act, and [the] regulations adopted [pursuant to] in accordance with said section. [18-85a.]

(d) Disbursement to the inmate from the inmate's discharge savings account upon the inmate's release from incarceration shall not be reduced by any disbursement required by sections 18-85, as amended by this act, 18-85b, 18-85c and 18-101, as amended by this act.

(e) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement this section.

Sec. 2. Section 18-85 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Correction, after consultation with the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management, shall establish a schedule of compensation for services performed on behalf of the state by inmates of any institution or facility of the department. Such schedule shall recognize degrees of merit, diligence and skill in order to encourage inmate incentive and industry.

(b) Compensation so earned shall be deposited, under the direction of the [administrative head of such institution or facility, in an inmate's individual account]

Commissioner of Correction, in an account in a savings bank or state bank and trust company in this state [, and funds from such account may be transferred to the inmate's discharge savings account pursuant to section 18-84a. Any amount in such accounts] or an account administered by the State Treasurer. Any compensation so earned shall be paid to the inmate on the inmate's [discharge] release from incarceration, except that the [warden or Community Correctional Center Administrator] commissioner may, while the inmate is in custody, disburse any compensation earned by such inmate in accordance with the following priorities: (1) Federal taxes due; (2) restitution or payment of compensation to a crime victim ordered by any court of competent jurisdiction; (3) payment of a civil judgment rendered in favor of a crime victim by any court of competent jurisdiction; (4) victims compensation through the criminal injuries account administered by the Office of Victim Services; (5) state taxes due; (6) support of the inmate's dependents, if any; (7) the inmate's necessary travel expense to and from work and other incidental expenses; (8) deposits credited to the inmate's discharge savings account under section 18-84a, as amended by this act; (9) costs of such inmate's incarceration under section 18-85a, as amended by this act, and regulations adopted in accordance with said section; and [(9)] (10) payment to the clerk of the court in which an inmate, [of a community correctional center, held] confined in a correctional facility only for payment of a fine, was convicted, such portion of such compensation as is necessary to pay such fine. Any interest that accrues shall be credited to any institutional fund established for the welfare of inmates. Compensation under this section shall be in addition to any compensation received or credited under section 18-50.

Sec. 3. Section 18-85a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Correction shall adopt regulations, in accordance with the provisions of chapter 54, concerning the assessment of inmates of correctional institutions or facilities for the costs of their incarceration.

(b) The state shall have a claim against each inmate for the costs of such inmate's incarceration under this section, and regulations adopted in accordance with this section, for which the state has not been reimbursed. Any property owned by such inmate may be used to satisfy such claim, except property that is: (1) Exempt pursuant to section 52-352b or 52-352d, except as provided in subsection (b) of section 52-321a; (2) subject to the provisions of section 54-218; (3) acquired by such inmate after the inmate is released from incarceration, but not including property so acquired that is subject to the provisions of section 18-85b, 18-85c or 52-367c, and except as provided in subsection (b) of section 52-321a; (4) acquired by such inmate for work performed during incarceration as part of a program designated or defined in regulations adopted by the Commissioner of Correction, in accordance with the provisions of chapter 54, as a job training, skill development or career opportunity or enhancement program, other than a pilot program established pursuant to section 18-90b, as amended by this act, except that the commissioner may assess a fee for participation in any such pilot program; or (5) [deposited in] credited to a discharge savings account pursuant to section 18-84a, as amended by this act, not in excess of one thousand dollars. In addition to other remedies

available at law, the Attorney General, on request of the Commissioner of Correction, may bring an action in the superior court for the judicial district of Hartford to enforce such claim, provided no such action shall be brought but within two years from the date the inmate is released from incarceration or, if the inmate dies while in the custody of the commissioner, within two years from the date of the inmate's death, except that such limitation period shall not apply if such property was fraudulently concealed from the state.

Sec. 4. Section 18-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) [When any person] Whenever any inmate to whom privileges have been granted under section [18-90b or] 18-100 is employed for compensation, the Commissioner of Correction or the commissioner's designee shall collect such compensation or require such [person] inmate to deliver to the commissioner or the commissioner's designee the full amount of such compensation when received. The commissioner or [such] the commissioner's designee shall deposit such funds in [trust in] an account in a savings bank or state bank and trust company in this state or an account administered by the State Treasurer and shall credit such funds to the inmate's individual account and shall keep a record showing the status of the account of each [person. Compensation received by such person during such person's term of imprisonment shall not be subject to levy or attachment] inmate.

(b) On granting privileges to any [person] inmate under section [18-90b or] 18-100, the commissioner or the commissioner's designee shall disburse any compensation earned by such [person] inmate in accordance with the following priorities: (1) Federal taxes due; (2) restitution or payment of compensation to a crime victim ordered by any court of competent jurisdiction; (3) payment of a civil judgment rendered in favor of a crime victim by any court of competent jurisdiction; (4) victims compensation through the criminal injuries account administered by the Office of Victim Services; (5) state taxes due; (6) support of such [person's] inmate's dependents, if any; (7) such [person's] inmate's necessary travel expense to and from work and other incidental expenses; [and] (8) deposits credited to the inmate's discharge savings account under section 18-84a, as amended by this act; and (9) costs of such [person's] inmate's incarceration under section 18-85a, as amended by this act, and regulations adopted in accordance with said section. The commissioner shall pay any balance remaining to such [person] inmate upon the [person's discharge] inmate's release from incarceration including any amount [transferred] credited to a discharge savings account pursuant to section 18-84a, as amended by this act. Each [person] inmate gainfully self-employed shall pay to the commissioner the costs of such [person's] inmate's incarceration under section 18-85a, as amended by this act, and regulations adopted in accordance with said section, and on default in payment thereof the [person's] inmate's participation under section 18-100 shall be revoked.

(c) The commissioner or the commissioner's designee shall notify the Commissioner of Social Services and the welfare department of the town where the dependents of any

[person] inmate employed under the provisions of section 18-90b, as amended by this act, or 18-100 reside of the amounts of any payments being made to such dependents.

Sec. 5. Section 18-90b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Correction [is authorized to] may establish a pilot program involving the use of inmate labor in private industry consistent with governing federal guidelines.

(b) The commissioner may enter into such contracts as may be necessary to fully implement the pilot program. Such contractual agreements may include rental or lease agreements for state buildings or portions thereof on the grounds of any institution or facility of the Department of Correction and for any real property needed for reasonable access to and egress from any such building for the purpose of establishing and operating a factory for the manufacturing and processing of goods, wares or merchandise or the provision of service or any other business or commercial enterprise deemed by the commissioner to enhance the general welfare of the inmate population.

(c) An inmate may participate in the pilot program established pursuant to this section only on a voluntary basis and only after he has been informed of the conditions of his employment.

(d) No inmate participating in the pilot program shall be paid less than the prevailing wage for work of similar nature in private industry.

(e) Inmate participation in the pilot program shall not result in the displacement of employed workers and shall not impair existing contracts for services.

(f) Nothing [contained] in this section shall be deemed to restore in whole or in part the civil rights of any inmate. No inmate compensated for participation in the program shall be considered to be an employee of the state or exempt from the provisions of (1) section 18-84a, as amended by this act, or (2) section 18-85a, as amended by this act, and regulations adopted in accordance with said section.

(g) The provisions of subsection (j) of section 18-88 shall not apply to any articles, materials or products manufactured or produced by institutional inmates pursuant to this section.